

Nadler Reintroduces Clean Ports Act to Protect Drivers, Workers and Millions of Americans from Polluting Diesel Trucks

Wednesday, 09 February 2011

WASHINGTON, D.C. - Today, Congressman Jerrold Nadler (D-NY), a senior Member of the House Transportation and Infrastructure Committee, introduced the Clean Ports Act of 2011. The bill, which has 50 original co-sponsors, would amend the Federal Motor Carrier Act to allow ports to enact and enforce clean truck programs and implement environmental programs above the current federal requirements. This update to federal law would confirm that port cities like Los Angeles, New York, Newark, Oakland and Seattle possess the legal authority to set the standards needed to replace diesel trucks with clean diesel and alternative energy vehicles in order to reduce pollution in a manner that has negligible effect on consumer prices, lowers public health costs for taxpayers, and does not unfairly burden the workers who haul cargo to and from U.S. seaports.

"The Clean Ports Act represents a crucial modernization of federal law that would dramatically improve the quality of air for the estimated 87 millions Americans who live and work near major container ports," said Rep. Nadler. "It is indefensible that ports are being challenged from enforcing clean truck programs to replace highly polluting and outmoded diesel trucks. Such pollution profoundly increases rates of asthma, cancer, and heart disease and contributes to a growing public health crisis across the nation. I join American labor, business, environmental groups, consumer groups, and others to clean up our ports and protect Americans from unnecessary pollution."

"Our collective failure to protect the public from diesel pollution is a moral outrage and a shame on our nation," said Carl Pope, Chairman of the Sierra Club. "Fortunately, the Obama Administration appreciates that Americans want and deserve clean air and the good jobs that accompany it. In the case of Los Angeles, there's a proven track record of success. Congress should embrace this local green-growth model and take action to protect it."

"This bill is a simple way for Washington to help local governments boost the green job sector, reduce pollution, improve public health, and help responsible businesses grow and compete to strengthen the national economy, and it belongs in the transportation reauthorization bill," said David Foster, Executive Director of the BlueGreen Alliance. "We commend Rep. Nadler and look forward to working with both chambers of Congress to remove this barrier to progress."

"Individual truck drivers should not be stuck paying for the new environmental trucks our communities need," said Raul de la Cruz, Brooklyn resident and Port of New York & New Jersey truck driver of 7 years. "That's the responsibility of the powerful and profitable trucking companies and corporations that rely on workers like me to haul containers full of manufactured goods to and from the ports. I'm hopeful that Rep. Nadler's bill becomes law so my co-workers and neighbors have more tools to fight for clean air and good jobs."

Fortunately, ports supported by their local governments have begun taking the initiative to address a highly polluting drayage system. In 2008, the Port of Los Angeles implemented a Clean Truck Program. In just one year, the program reportedly replaced nearly 6,000 dirty diesel trucks with clean diesel and alternative energy vehicles, eliminating 30 tons of diesel particulate matter which will reduce diesel particulate pollution by an estimated 70 percent. This is equivalent to removing 200,000 automobiles from the road.

Unfortunately, the program has been challenged by industry in federal court and an injunction was issued to temporarily block Los Angeles' ability to directly enforce - through concession agreements - key policy provisions to sustain the initial success. A federal judge recently ruled in favor of the Port of Los Angeles, ruling that the program is not preempted under the current motor carrier statute enacted as part of the Federal Aviation Administration Authorization Act of 1994. However, an injunction remains in place while opponents of Los Angeles' program have filed an appeal, and the EPA award-winning program remains in jeopardy.

The court injunction currently prevents the Port from enforcing economic requirements that will ensure that expensive new clean trucks will be properly maintained by ending the practice of improperly designating employees as "independent contractors." As "contractors," drivers are expected to replace and maintain trucks themselves - a prohibitive and unreasonable expense for the vast majority of drivers - which threatens the efficacy of the entire clean truck program.

The Clean Ports Act is supported by a broad coalition of over 150 civic, environmental, labor, business, and civil rights groups, such as the Leadership Conference on Civil and Human Rights, Change to Win, American Stevedoring, Inc., BlueGreen Alliance, International Brotherhood of Teamsters, Sierra Club, Apollo Alliance, and Natural Resources Defense Council.

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